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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,649	02/14/2000	George Rome Borden IV	8371-35	6953
7590	10/07/2003		EXAMINER	
Marger Johnson & McCollom P C 1030 S W Morrison Street Portland, OR 97205			HOYE, MICHAEL W	
			ART UNIT	PAPER NUMBER
			2614	
DATE MAILED: 10/07/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/503,649	BORDEN IV ET AL.
	Examiner	Art Unit
	Michael W. Hoye	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 17 June 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1,3-13 and 22-26 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 7-11 is/are allowed.

6) Claim(s) 1,3-6,12,13 and 22-26 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 14 February 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                    6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 2-6 and 12-13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Drawings***

2. The drawings are objected to because item number "70" in Fig. 4 should be --78—(see the specification on pg. 6, line 16). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 98, 130 and 148. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "98" has been used to designate both program titles in selection row 92 (see Figs. 5 and 6) and a program title outside of the selection row 142 in Fig. 9. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

5. The disclosure is objected to because of the following informalities: on page 2, line 17, "display 28" should be --20--, on page 6, line 15, "titles 62" should be --72--. Appropriate correction is required.

The Examiner apologizes that these objections to the drawings and specification were not disclosed in the first Office Action.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Alten et al (USPN 5,781,246).

As to claim 22, note the Alten et al reference which discloses a method for displaying an electronic program guide to a viewer. The claimed displaying multiple channel identifiers in a first region is met by the channels listed in boxes 202a-202c as shown in Fig. 20, which has a channel selection region where one of the channel identifiers is displayed within the channel selection region as shown by 202b which lists channel 4 KRON (Fig. 20, col. 17, lines 14-40). The claimed displaying multiple time slot identifiers in a vertical column on the display is met by the times listed on the left column of the display shown in Fig. 20. The claimed displaying multiple program titles on the display, each program title horizontally aligned with the displayed

time slot identifier or identifiers corresponding to the time slot of the program title, each program title corresponding to the channel identifier displayed within the channel selection region is also met by Fig. 20 (see col. 17, lines 14-46). The claimed scrolling the channel identifiers within the first region of the display to place a different channel identifier within the channel selection region of the display in response to a viewer request and thereby changing the displayed program titles to correspond to the different channel identifier is met by the user manipulating the left or right direction arrow keys on the remote controller 40 to scroll the channel identifiers, which changes the displayed program titles (see Fig. 20 and col. 17, lines 21-46).

As to claim 23, Alten discloses a program selection region as shown in Fig. 20 (from 4:30p Baseball to 12:30a David Letterman), where the user may scroll down (or up) through the time slot identifiers and program titles displayed for the selected channel in response to the user pressing an up or down key on the remote controller 40 (see col. 17, lines 14-46). Although a highlighted program selection area is not shown in Fig. 20 the highlighting of a selected area is inherent to the method disclosed by Alten.

#### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 3-6 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al (USPN 5,850,218), in view of Allison et al (USPN 6,262,722).

As to claim 1, LaJoie discloses an EPG with multiple channel and time slot identifiers and program titles located in the corresponding channel and time slot identifiers. A program selection area is fixed at a predefined region of the display, and, in response to viewer requests, the program titles are scrolled, thereby changing the program in the program selection area. The aforementioned features are illustrated in Figure 16 and disclosed in column 23, line 44 – column 24, line 36. LaJoie discloses that the “cursor does not move within grid”, but that “program cells... scroll instead” (column 24, lines 53-56). LaJoie does not disclose that the cursor (i.e. program selection area) is fixed in one dimension while allowed to move in another. The Allison et al reference teaches the claimed bounding a program selection area from vertical movement, while allowing the program selection area to move horizontally as shown in Fig. 8 (see col. 9, line 46 – col. 10, line 42), where the user may preferably only change the horizontal position of the highlight region 134 within selectable program guide options in the center of the screen, such as 122a-d, using horizontal cursor keys 72 and 74, also see Fig. 7 and col. 8, lines 38-65, where the user presses a horizontal cursor key while the vertical position of selectable program guide option 110d is the same as the previous vertical position of selectable program guide option 108d, in other areas, the vertical position is as close as possible to the vertical position of the selectable program guide option. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie to bounding a program selection area from vertical movement, while allowing the program selection area to move horizontally for the advantage of keeping the program guide’s program selection area from shifting more frequently, which may be irritating for the user to view each transition and follow the program selection area from one selection area to another. In addition, this feature allows the user to still

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have the ability to view the program selections above and/or below the current horizontal selection area while keeping the program area in a fixed position without frequent program area shifts occurring. One of ordinary skill in the art would have been led to make such a modification since this feature is established in the program guide art, it provides several additional advantages as mentioned above, and is relatively easy to implement for those of ordinary skill in the art.

As to claim 3, LaJoie clearly discloses that the channel and time slot identifiers corresponding to the program selected are highlighted as illustrated in Figure 16, and disclosed in column 24, lines 39-47 (“channel shadow 392”, “time shadow 393”).

As to claim 4, LaJoie discloses that scrolling is performed by moving the display contents instead of the cursor as discussed in the rejection of claim 1. LaJoie does not explicitly disclose that such a type of scrolling gives the appearance of fluid motion. The examiner takes OFFICIAL NOTICE that it is notoriously well known in the art to smoothly transition between cells in order to make navigation more appealing to the viewer. U.S. Patent No. 6,177,931 to Alexander et al. discloses such a method for smooth scrolling, and is incorporated herein by reference. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify LaJoie to scroll the display contents in such a way that would give the appearance of fluid motion in order to make navigation more appealing to the user.

As to claim 5, LaJoie discloses “up, down, left, and right arrow indicators” (column 24, lines 37-38) further illustrated in Figure 16 as element numbers 352, 354, 356, and 358, which provide a visual indicator of the user-induced scrolling (i.e., visual scrolling cue).

As to claim 6, LaJoie discloses a “program summary” (column 23, lines 48-49) window that displays program information as illustrated in Figure 16. The program information corresponds to the program currently highlighted, and is thus updated whenever the user selects a different program. LaJoie et al does not disclose displaying program details within the program selection region. Allison et al discloses in the highlighted region 88 of the program guide in Fig. 6 a program titled “Eddie” with program details such as comedy and a rating of PG-13, in addition, Allison et al also discloses that if more information is desired for a highlighted program, info button 90 in Fig. 5 may be pressed (see col. 6, lines 40-47). Therefore, it would have been obvious to one of ordinary skill in the art to further Modify LaJoie with Allison, which teaches displaying program details for the program appearing in the selection region within the highlighted or selected region of the display for the advantage of keeping the program information within the same area of the display and not on a separate section of the display or in another screen altogether. One of ordinary skill in the art would have been led to make such a modification since providing program details within the selection region provides the user with additional information about a program without having to look elsewhere on the screen or look at additional screens.

Claim 26 is rejected based on similar arguments used in claims 1 and 6.

10. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al, in view of Allison et al, and in further view of Ohkura et al (USPN 6,005,601).

As to claims 12 and 13, LaJoie does not disclose program titles being displayed in a manner that would make them resemble sectors of the rim of a wheel, and scrolling the program

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titles giving the appearance of a wheel rotation. Ohkura discloses a method and apparatus for controlling the display of an EPG. As illustrated in Figure 18 (and also in Figure 5), the EPG resembles a wheel with several bounded areas (sectors of its rim), which can be “titles of programs now being broadcast or future programs” (column 5, lines 45-46) that the user can manipulate by rotating the wheel and make a selection. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify LaJoie with Ohkura’s EPG to display program titles as sectors of a rim of a wheel and rotate the wheel to make selections in order to make navigation more appealing to the user.

11. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alten et al.

As to claim 24, Alten et al discloses a method for displaying an electronic program guide as previously described above. Alten et al does not explicitly disclose displaying, within the program selection region of the display, program details for the program title appearing in the program selection region, and updating the program details when a different program title is scrolled into the program selection region. The examiner takes OFFICIAL NOTICE that it is notoriously well known in the art to display, within the program selection region of the display, program details for the program title appearing in the program selection region, and to update the program details when a different program title is scrolled into the program selection region in order to provide the user with additional information about the program that is currently selected or highlighted in the display for potential selection by the user. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Alten et al to display, within the program selection region of the display, program details for the

program title appearing in the program selection region, and to update the program details when a different program title is scrolled into the program selection region for the advantage given above.

12. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie.

As to claim 25, LaJoie discloses an EPG with multiple channel and time slot identifiers and program titles located in the corresponding channel and time slot identifiers. A program selection area is fixed at a predefined region of the display, and, in response to viewer requests, the program titles are scrolled, thereby changing the program in the program selection area. The aforementioned features are illustrated in Figure 16 and disclosed in column 23, line 44 – column 24, line 36. LaJoie discloses that the “cursor does not move within grid”, but that “program cells... scroll instead” (column 24, lines 53-56). LaJoie does not disclose that the cursor (i.e. program selection area) is fixed in a predefined selection region near the center of the display so that programs both before and after the selected area remain visible when the user scrolls the program tiles on the display. However, it would have been clearly obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of LaJoie for a program selection area that is fixed at a predefined region of the display and to locate the predefined selection region near the center of the display for the advantage of allowing the user to view program titles on the display which occur prior to the location of the fixed program selection area or to the left of the fixed program selection area on the display, in addition, this gives the user a more complete picture or display of the programming occurring within a close

proximity to the selection region. One of ordinary skill in the art would have been led to locate the predefined selection region near the center of the display for the advantages given above.

***Allowable Subject Matter***

13. Claims 7-11 are allowed.

As to claims 7-9, LaJoie fails to teach or imply displaying program details for multiple programs corresponding to the channel identifier and time slots of the program appearing in the selection region. U.S. Patent No. 6,246,442 to Harada et al. discloses an apparatus for displaying information arranged in cells. As illustrated in Figure 9, program details for programs meeting certain attributes (such as channel identifier and time slot) are displayed along a display axis. Even though the overall arrangement resembles that disclosed in the instant application, program details are not displayed in accordance with what is appearing in a selection region. Harada's system simply provides a method for determining the appearance of a guide, which is not affected by what is appearing in a selection region of the guide. Harada's system fails to teach or suggest updating a program details area according to a program appearing in a selection region, or a selection region altogether.

As to claims 10-11, LaJoie does not disclose displaying the program titles in bounded display areas resembling a three-dimensional stack of file tabs whose contents are displayed when the viewer manipulates the stack. U.S. Patent No. 6,522,342 to Gagnon discloses an EPG where file tabs are present, as illustrated in Figure 12. However, Gagnon's file tabs are used to aid the user in selecting different categories of actions (e.g., Messages, Schedules, Settings). The

program titles are still displayed in a standard two-dimensional grid format, and there is not teaching or implication to display them as file tabs.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is (703) 305-6954. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (703) 305-4795.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Michael W. Hoye  
September 26, 2003



JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600